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June 21, 2018

**VIA CM/ECF**

Hon. Vince Chhabria  
United States District Judge  
NORTHERN DISTRICT OF CALIFORNIA  
450 Golden Gate Avenue, 17<sup>th</sup> Floor  
San Francisco, CA 94102

***In Re: Facebook, Inc., Consumer Privacy User Profile Litigation (18-md-2843-VC)***

Dear Judge Chhabria:

I am a partner at Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. ("Beasley Allen"), an 80-plus lawyer plaintiffs' firm with offices in Montgomery, Alabama, and Atlanta, Georgia. Our firm has a national consumer litigation practice and has achieved a formidable record in complex cases filed throughout the United States.<sup>1</sup>

Pursuant to the instructions in Pretrial Order 1 (Dkt. 2), please accept the following application for leadership in the above-referenced multi-district litigation proceeding:

**I. Professional Experience With MDLs And With The Subject Matter Of This Litigation**

I have been involved in a number of MDLs during my nine-years at Beasley Allen. I recently was appointed to the plaintiffs' steering committee by Hon. Edward J. Davila in *In re: Apple Inc. Device Performance Litigation* (5:18-md-2827-EJD, May 15, 2018, Dkt. 99). As outlined herein and in my attached resume (Exhibit A), I have provided support in MDLs involving complex antitrust claims, automobile defects, consumer fraud, and data privacy. Most recently, I have worked closely with MDL leadership in the Volkswagen and Chrysler emissions MDLs, as well as the Blue Cross Antitrust MDL.<sup>2</sup> In this capacity, I have assisted

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<sup>1</sup> For more information about Beasley Allen, visit our website: <http://www.beasleyallen.com/>.

<sup>2</sup> See *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, No. 15-md-2672 (N.D. Cal., J. Breyer); *In re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and Products Liability Litigation*, No. 3:17-md-2777 (N.D. Cal., Chen), and *In re: Blue Cross Blue Shield Antitrust Litigation*, No. 2:13-cv-20000 (N.D. Ala., Proctor).

in the coordination of class representatives and class representative discovery, assisted in the preparation of consolidated complaints and class certification motions, defended depositions, managed document review projects assigned to our firm, and performed various research and writing tasks.

## **II. Familiarity With The Claims Before The Court**

I am, of course, familiar with the allegations in our client's complaint filed in *Jackie Williams, et al. v. Facebook, Inc., et al.* (3:18-cv-3676-VC), recently transferred to this court from the Northern District of Alabama.<sup>3</sup> Our firm filed a statement with the JPML in support of transfer to this court.<sup>4</sup> I also have reviewed the factual allegations and claims for relief contained in the other complaints filed and subsequently consolidated in this MDL. Finally, I have experience prosecuting claims under California's Consumer Legal Remedies Act ("CLRA") Cal. Civ. Code § 1750, *et seq.*, and Unfair Competition Law ("UCL"), Cal. Bus. & Prof. Code § 17200, *et seq.*, as well as various state consumer protection acts, and the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§ 1961-68. I have not previously prosecuted a claim under the Stored Communications Act, 18 U.S.C. § 2701, *et seq.*, but I have researched the act extensively.

## **III. Present And Future Ability To Commit To Time-Consuming Litigation**

I aver that I have the present and future ability to commit to the successful resolution of this time-consuming, and important, litigation. I will be assisted by our firm's robust support team, over 200 persons strong, which includes paralegals, law clerks, computer information technologists, investigators, and a comprehensive trial graphics team.

## **IV. Ability To Work Cooperatively With Others**

I am proud of a 15-year track record of working cooperatively with co-counsel and opposing counsel in a variety of cases, including MDL matters. Evidence of my reputation is found in the attached endorsements of my colleagues (Exhibit B). My individual record is consistent with Beasley Allen's 40-year history of partnering with lawyers and firms throughout the country on complex and important cases.

## **V. Resources Available To Prosecute This Litigation In A Timely Manner**

I am fortunate to be a partner in a firm that has sufficient resources to devote to the prosecution of this case. As mentioned above, we have ample manpower to devote to this cause. Beasley Allen's team of 80-plus lawyers and 200-plus support personnel have a

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<sup>3</sup> See CTO-1, MDL No. 2843 (Dkt. 147, June 18, 2018) (transferring *Jackie Williams, et al. v. Facebook, Inc., and Cambridge Analytica, LLC*, No. 2:18-cv-535-RDP (N.D. Ala., filed April 4, 2018)).

<sup>4</sup> See "Interested Party Response Of Plaintiffs Jackie Williams And Lee Sims In Support Of Motion To Transfer," MDL No. 2843 (Dkt. 134, May 25, 2018).

history of efficiently prosecuting complex cases. Moreover, our firm also has the financial resources to support important cases such as this one. This commitment is evidenced by our past leadership roles in MDL cases.<sup>5</sup>

## VI. Ability To Maintain Reasonable Fees And Expenses

I am in the habit of keeping accurate time and expense records – perhaps this is a holdover from my days as a member of the defense bar. I am familiar with following billing protocols as set out by lead counsel and approved by the court. I have submitted time and expense records in a number of MDL and class action cases, and have never had my time challenged by co-counsel or opposing counsel. Similarly, my firm is well-accustomed to working with MDL partners to litigate complex and necessarily expensive cases in an efficient manner – this includes many of the firms on file in this MDL. We have no expectation that our experience in this case will be any different. As such, on behalf of my firm, I request a position as lead counsel or such other position in the plaintiffs' leadership structure as this court deems appropriate.

Yours very truly,



ARCHIE GRUBB

AIG/wcg

Enclosures

cc: All counsel of record via CM/ECF

<sup>5</sup> Beasley Allen attorneys have been appointed to leadership positions in the following MDLs: *Reciprocal of America Sales Practices Litig.* (W.D. Tenn. 2004) – Jere Beasley and Dee Miles (co-leads); *American General Life Ins. Litig.* (D. S.C. 2004) – Dee Miles (co-lead); *Vioxx Litig.* (E.D. La. 2005) – Andy Birchfield (co-lead); *Celebrex/Bextra Litig.* (N.D. Cal. 2008) – Frank Woodson; *Fosamax ONJ Litig.* (S.D.N.Y. 2009) – Russ Abney; *Toyota Unintended Acceleration Litig.* (C.D. Cal. 2010) – Dee Miles; *BP Oil Spill Litig.* (E.D. La. 2010) – Rhon Jones; *Fosamax Femur Fracture Litig.* (D. N.J. 2011) – Chad Cook; *DePuy ASR Hip Replacement Litig.* (N.D. Oh. 2011) – Navan Ward; *Hormone Therapy Litig.* (E.D. Ark. 2011) – Ted Meadows; *Navistar Diesel Engine Litig.* (N.D. Ill. 2011) – Bill Hopkins; *Transvaginal Mesh Litig.* (S.D. W.Va. 2012) – Leigh O'Dell; *Zoloft Litig.* (E.D. Pa. 2012) – Andy Birchfield; *DePuy Pinnacle Hip Replacement Litig.* (N.D. Tex. 2012) – Navan Ward; *Mirena Litig.* (S.D.N.Y. 2013) – Roger Smith; *Granuflo Litig.* (D. Mass. 2013) – Frank Woodson; *Lipitor Litig.* (D. S.C. 2014) – Frank Woodson; *Testosterone Replacement Therapy Litig.* (N.D. Ill. 2014) – Matt Teague; *Target Data Breach Litig.* (D. Minn. 2014) – Dee Miles; *Xarelto Litig.* (E.D. La. 2015) – Andy Birchfield (co-lead); *Biomet Hip Replacement Litig.* (N.D. Ind. 2012) – Navan Ward; *Home Depot Data Breach Litig.* (N.D. Ga. 2015) – Dee Miles; *Community Health Data Breach Litig.* (N.D. Ala. 2015) – Gibson Vance; *BlueCross BlueShield Antitrust Litig.* (N.D. Ala. 2015) – Dee Miles; *Johnson & Johnson Talc Litig.* (D. N.J. 2016.) – Leigh O'Dell (co-lead); *Volkswagen Clean Diesel Litig.* (N.D. Cal. 2016) – Dee Miles; *Invokana Litig.* (D. N.J. 2017) – Danielle Mason; *Chrysler-Jeep-Dodge Ecodiesel Litig.* (N.D. Cal. 2017) – Dee Miles; *Apple iPhone* (N.D. Cal. 2018) – Archie Grubb.